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8 UNITED STATES  
9 ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

10 In the Matter of ) ORDER  
11 GREENCASTLE INC. ) Docket No. 84-08  
12 Respondent. )  
13 Proceeding Under Section )  
14 106(a) of the Comprehensive )  
15 Environmental Response, )  
16 Compensation and Liability Act )  
of 1980 (42 U.S.C. §9606(a)) )

17 I

18 JURISDICTION

19 The following Order is issued on this date to Greencastle  
20 Inc. ("Respondent") pursuant to the authority vested in the  
21 President of the United States by §106(a) of the Comprehensive  
22 Environmental Response, Compensation, and Liability Act of 1980  
23 (CERCLA), 42 U.S.C. §9601 et seq., delegated to the Administrator  
24 of the United States Environmental Protection Agency (EPA) by  
25 Executive Order Number 12316 (August 20, 1981, 46 FR 42237), and  
26 redelegated to the Regional Administrator, EPA, Region 9. Notice  
27 of the issuance of this Order has been given to the State of  
28 California.

II

FINDINGS OF FACT

1. Respondent is owner of property located at 14014 S. Gracebee, Norwalk, California ("facility"). The facility is approximately 1,600 square feet in area, and is part of a larger facility owned by Respondent and surrounded by a chain-link fence. The ground surface is entirely paved. Runoff from the site is directed toward a drainage ditch, which leads to a storm water detention basin and the north fork of Coyote Creek. Within three blocks of the facility are a public high school, residences and businesses.
2. The facility is a facility as defined by CERCLA §101(9), 42 U.S.C. 9601(9).
3. Prior to the inspection of this facility, the operator of this facility, Frank J. Stankovich, operated the General Disposal Company facility in Santa Fe Springs, California. On July 10, 1981, a chemical fire and explosion destroyed approximately 12,000 of the 18,000 drums stored at the one acre site. The drums contained paint components, industrial solvents, and pesticides, including some 25 hazardous substances.
4. Respondent has engaged in the storage of hazardous wastes as defined by the Resource Conservation and Recovery Act (RCRA). Respondent has not notified EPA pursuant to §3010(a) of RCRA and failed to submit Part A of the RCRA permit application by November 19, 1980, as required by §3005 of RCRA. As such, the facility has not achieved interim status as defined

1 by §3005(e) of RCRA and therefore is operating in violation  
2 of RCRA.

3 5. On May 24, 1984, Chris Vais and Bill Lewis of the EPA  
4 Emergency Response Section inspected the facility. They  
5 made the following observations:

- 6 A. 450-500 fifty-five gallon drums are stacked on three  
7 levels. An estimated 60% of the drums are empty or  
8 contain solids. An estimated 40% contain liquids. The  
9 drums are in a deteriorating condition, presenting the  
10 risk of release of hazardous substances as identified  
11 below.
- 12 B. There are approximately 200 five gallon pails filled  
13 with paint. These pails are in a deteriorating condition.
- 14 C. 17 samples were taken from drums containing liquids.  
15 The liquids sampled were generally classified as paints,  
16 paint wastes and waste oils. The flammability of each  
17 sample was determined on site. Five of the samples were  
18 determined to be highly flammable. Analysis of the  
19 headspace gas indicated the presence of the following  
20 volatile organic compounds:

21	1,1,1-trichloroethane	25,600 ppm
22	p-xylene	1,400 ppm
23	acetone	525 ppm
24	methyl ethyl ketone	8,100 ppm
25	tetrahydrofuran	100 ppm

26 These organic compounds are "hazardous substances" as  
27 defined in §101(14) of CERCLA.

28 D. At various areas within the facility the ground was

visibly stained by unknown solvents.

E. An elevated level of radioactivity, 25 microrems, was measured at the facility; background levels were measured at 7-10 microrems.

F. A strong odor, characteristic of paint solvents, was detected by the inspectors, indicating possible release of vapors from the drums.

6. A threat to human health and the environment exists in the event of a fire and explosion at the facility, in that:

A. The emission of toxic by-products of combustion is highly likely as a result of fire or explosion.

B. Debris propelled from the facility due to an explosion would increase the likelihood of direct contact with the public.

C. Large volumes of contaminated runoff can be expected to escape from the facility during fire-fighting activities.

### III

#### DETERMINATION

Based upon the foregoing Findings of Fact, the Regional Administrator has determined that hazardous substances are stored at the facility and that the release or threat of release of such substances from the facility may present an imminent and substantial endangerment to the public health or welfare or the environment. The initiation of immediate removal action will prevent or mitigate immediate and significant risk of harm to human life or health or the environment.

The Regional Administrator has further determined that Respondent is the current owner responsible for conducting the

1 actions ordered herein, which are necessary to abate the  
2 endangerment to public health and the environment.

3 IV

4 ORDER

5 Based upon the foregoing Determination and Findings of  
6 Fact, Respondent is ordered and directed, pursuant to §106(a)  
7 of CERCLA, 42 U.S.C. §9606 et seq., to (I) prepare and submit  
8 to EPA for approval a written proposal ("Proposal") for the  
9 removal and disposal of all hazardous substances at the  
10 facility and (II) implement the Proposal after receiving EPA  
11 approval of same. The Proposal shall include the following:

- 12 1. A plan to remove all hazardous substances from the  
13 facility.
- 14 2. A plan for the sampling and analysis of hazardous sub-  
15 stances to satisfy any requirements for transporting  
16 or disposing of same from the facility. The plan shall  
17 include provisions for the legal transport to and  
18 disposal of all hazardous substances in an authorized  
19 hazardous waste disposal facility in accordance with  
20 all Federal, State, and local regulations.
- 21 3. A site safety plan.
- 22 4. A plan for taking representative samples of hazardous  
23 substances at the facility, to be provided to EPA.  
24 The location, number and types of samples and analyses  
25 to be taken will be specified by EPA.
- 26 5. All samples shall be collected, preserved, packaged,  
27 shipped, handled, and prepared for analysis according  
28 to the protocols specified by the EPA On-Scene

Coordinator. All sample handling shall be performed according to the chain of custody procedures described in Appendix A of this Order. Any samples analyzed pursuant to this Order shall be analyzed according to EPA-approved analytical methods.

6. A schedule for the implementation of the Proposal. The schedule shall provide for the total clean-up of the facility within 14 days of EPA approval of the Proposal.

Respondent shall submit the Proposal and provide for receipt of same by EPA to the address listed below by 12 noon on Thursday, June 7, 1984. The proposal shall be submitted to the contact person named in the Order.

Respondent shall assume full responsibility for any claims arising from the activities conducted by Respondent or his representatives or consultants in connection with this Order.

Respondent shall provide access to the site for EPA employees, contractors, or consultants at all reasonable times and shall permit such persons to be present and move freely in the area where any work is being conducted pursuant to this Order.

EPA shall designate an On-Scene Coordinator (OSC) who shall have the authority vested by 40 CFR §300 et seq., published at 47 FR Part 31180 (July 16, 1982).

V

#### OPPORTUNITY TO CONFER--EFFECTIVE DATE

Under the provisions of CERCLA, Respondent may request a conference to be held at any time before submittal of the Proposal to discuss the Order, its applicability, the correctness of any factual determinations upon which the Order is based, the

1 appropriateness of any action which Respondent is ordered to  
2 take, and any other relevant or material issue. Such request  
3 may be made orally, but must be confirmed in writing. At any  
4 conference held pursuant to Respondent's request, Respondent may  
5 appear in person, with counsel or other representatives for the  
6 purpose of presenting any objections, defenses or contentions  
7 which Respondent may have regarding this Order.

8 This Order is effective immediately upon receipt of same  
9 by Respondent.

#### 10 VI

#### 11 LIABILITY

12 If the OSC determines that Respondent is not complying with  
13 the terms of this Order, or that Respondent is not proceeding  
14 with work in a timely manner, or that Respondent's activities  
15 pose an imminent and substantial endangerment to the public  
16 health or welfare or the environment, the OSC may halt  
17 Respondent's activities and initiate a federal cleanup of the  
18 facility. Respondent may then be ordered to reimburse EPA for  
19 the costs of such activity pursuant to §107(c) of CERCLA.

20 You are advised that willful violation or failure or refusal  
21 to comply with this Order, or any portion hereof, may subject  
22 you to civil penalty of not more than \$5,000.00 for each day in  
23 which violation occurs or such failure to comply continues in  
24 accordance with §106(b) of CERCLA. Failure to comply with this  
25 Order, or any portion hereof, without sufficient cause, may also  
26 subject you to liability for punitive damages in the amount of  
27 three times the total of all costs incurred by the government as  
28 a result of your failure to take proper action in accordance

1 with §107(c) of CERCLA.

2 It is so ordered on this 4 day of June, 1984.

3 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

4  
5 BY: John Wise

6 for JUDITH E. AYRES  
7 REGIONAL ADMINISTRATOR, REGION 9

8 Contact person:

9 Eric N. Koglin (T-4-2)  
10 Environmental Protection Agency  
11 215 Fremont Street  
12 San Francisco, California 94105  
13 Telephone: (415) 974-8919

14 After hours call the Duty Officer:  
15 (415) 974-8131  
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